उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(29)

मामला क्रमांक M.A(C) No. 1086 सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

MISC. APPEAL (CLAIM) NO.1086/2007

APPELLANT

1. Khemuram, s/o Sada Bano Netam, aged about 38 years, Caste Gone
2. Tulsi Ram, s/o Khemuram Netam, aged about 15 years, Caste Gone
3. Kumari Shrimati, d/o Khemuram Netam aged about 14 years Caste: Gone
4. Ku.Buruda, d/o Khemuram Netam, aged about 10 years, caste: Gone

Appellants no.2 to 4 being minors represented through their father appellant no.1 Khemuram – all residents of village Bharuvamuda, Gram Panchayat Dhowanmal, Block Manipur, Tahsil, Gariyaband, Distt. Raipur (C.G). At present village Sadhu Banjarpara, P.S. Mova Raipur, Tahsil & Distt. Raipur (C.G)

Versus

RESPONDENTS

1. M/s. Kanhaiyalal Santosh Kumar Dall Mill, through Santosh Kumar Khandelwal, r/o village Sadhu Banjarpara, P.S. Mova Raipur, Tahsil & Distt. Raipur (C.G)
2. The National Insurance Co. Ltd., through Branch Manager, Branch No.1 Naveen Bazar, Phool Chowk, G.E.Road, Raipur, Distt. Raipur (C.G)

D.B: HON'BLE SHRI L.C. BHADOO, J, &
HON'BLE SHRI SUNIL KUMAR SINHA, J.

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(30)

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

ORAL ORDER
(18.09.2007)

L.C.Bhadoo, J,

Shri C.R. Sahu, counsel for the appellant.

The appeal is barred by 71 days limitation. It is heard on admission as well as on limitation.

Claimant no.1 is husband and Claimants 2 to 4 are children of the deceased namely Sobhani Bai @ Rukhmani Netam, who died while she was working in Dall Mill of respondent no.1. They have preferred this appeal u/s 30 of the Workmen Compensation Act 1923 being aggrieved by the Award dated 24.4.2007 passed by the Commissioner for Workmen Compensation, the Labour Court, Raipur in case No.177/WC Act/2005 (fatal) whereby the learned commissioner for workmen compensation, after assessing the monthly wages as Rs.2200/- per month and determining 35 years age of the deceased, as per provisions of section 4(1)(a) of the Workmen Compensation Act, 1923, reached to the conclusion that 50% of Rs.2200/- is Rs.1100/- by applying relevant factor 197.06 assessed the compensation to the tune of Rs. 2,16,766/-.

Learned counsel for the appellant has not been able to argue that how the award is on the lower side. More over, as per the provisions of Section 30 of the Workmen Compensation Act 1923, an appeal is maintainable on the substantial question of law. Counsel for the appellant has not been able to raise any substantial

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मामला क्रमांक M-A-C NO 1086/ सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
1 Rao 1	question of law in this appeal. Moreover, no satisfactory reasonable cause has been shown for condonation of delay in filing this appeal. Therefore, the appeal being devoid of merit, the same is liable to be and is hereby dismissed on merits as well as on limitation, at the motion stage. **Sd/-** **L.C. Bhadoo** **Judge**	**Sd/-** **Sunil Kumar Sinha** **Judge**